

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CLIFTON ROBINSON,

Plaintiff,

v.

Case No. 3:22-cv-10855

J. HEMINGWAY, R. LEA,
and C. ELLISON,

Defendants.

ORDER DISMISSING CASE WITHOUT PREJUDICE

On April 14, 2022, Plaintiff Clifton Robinson, acting *pro se*, filed a civil complaint against a warden, case manager, and counselor at the Federal Correctional Institution in Milan, Michigan (FCI-Milan). (ECF No. 1.) He alleged that the three defendants conspired to violate his rights, produced a fake warrant for his arrest, and violated the provisions of the First Step Act. (*Id.* at PageID.1.)

On April 28, 2022, United States Magistrate Judge David R. Grand ordered Plaintiff to pay the filing and administrative fees for this action or to submit (i) an application to proceed without prepaying the fees and costs, (ii) an authorization to withdraw funds from his trust fund account, and (iii) a certified statement summarizing the activity in his trust fund account. (ECF No. 3.) Magistrate Judge Grand also stated that failure to comply within thirty days of the order could result in the dismissal of the case for want or prosecution. (*Id.*) Plaintiff has not acted.

A party's failure to prosecute an action or to comply with a court order is a basis for dismissing a civil action. See Fed. R. Civ. P. 41(b) (Involuntary Dismissal); E.D.

Mich. LR 41.2 (Dismissal for Lack of Subject Matter Jurisdiction or Failure to Prosecute). In appropriate circumstances, "a District Court may dismiss a complaint for failure to prosecute even without affording notice of its intention to do so or providing an adversary hearing before acting." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 633 (1962). As of the date of this order, Plaintiff has not paid the filing fee for his complaint, nor requested permission to proceed without prepaying the filing fee, despite the court's order to correct this deficiency.

Accordingly, IT IS ORDERED that the complaint is DISMISSED WITHOUT PREJUDICE for want of prosecution and for failure to comply with the court's deficiency order. This case is now closed.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 26, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 26, 2022, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(810)292-6522

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